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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,866

Applicant(s)

HAMAKAWA, TOMOHISA

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/4/04, 4/15/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: Claim 8 contains the following language, "The program retrieval display method defined in any one of claims 5,". Claim 8 is written as a multiple dependant claim, but only lists a single claim upon which it is to be dependant. For examination purposes the Examiner has treated claim 8 as though it is dependant solely upon claim 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,772,433 to LaJoie.

Regarding claim 1, LaJoie discloses in figure 3, a digital broadcast receiver 6, wherein a digital broadcast is received using program information distributed by an electronic program guide (column 11, lines 11-51) comprises:

a display information storage 32 for storing a retrieval condition (search and theme criteria) for said program information, externally input, and display information corresponding to said retrieval condition (theme search results, figures 20-23) (column 13, lines 25-54, column 16, lines 20-57, column 27, lines 1-47) ;

a program information storage 32 for storing program information separated from said digital broadcast (DRAM, column 13, lines 34-40, line 55-column 14, line 7);

a program retriever 30 for comparing said program information retrieval condition with program information stored in said program information storage and extracting program information matching said retrieval condition (cpu 30 executes commands dictated by the OS, column 13, lines 11-24, column 27, lines 22-63, the user selects a theme and the STB 6 retrieves all the data for program listings which correspond to the theme and displays them, figure 21); and

a display (screenshot of figure 21, a display device is inherently utilized as figure 21 is a graphical image with user selectable regions which requires the use of a display device) for displaying a retrieval result (sports program listings);

wherein said program information retrieval result (figure 21) is displayed with display information corresponding to said program information retrieval condition (theme selection 436, sports).

Regarding claims 3 and 6, LaJoie discloses in figure 21, that the display information comprises character information comprising at least a name (CBS Sports Special) and a description 346 (college football's 1996 pre-Season Match-ups).

Regarding claim 5, LaJoie discloses a program retrieval display method suitable for a digital broadcast receiver 6 (figure 3), wherein said digital broadcast is received using program information distributed by an electronic program guide (column 11, lines 11-51), comprising the steps of:

comparing program information stored in a program information storage with a program information retrieval condition stored in a display information storage 32 and then extracting program information matching said retrieval condition (column 13, lines 25-54, column 16, lines 20-57, column 27, lines 1-47, figures 20-23, a user enters a theme criteria and the corresponding results are displayed), said display information storage storing program information separated from said digital broadcast (DRAM, column 13, lines 34-40, line 55-column 14, line 7),

said display information storage storing said program information retrieval condition externally input and display information corresponding to said program information retrieval condition (figures 20-23, theme criteria and theme search results, column 13, lines 25-54, column 16, lines 20-57, column 27, lines 1-47) ; and

displaying a retrieval result (figure 21, sports listings);

wherein said program information retrieval result is displayed in accordance with display information corresponding to said program information retrieval condition (figure 20, sports selection, figure 21, sports program results).

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Regarding claim 9, LaJoie discloses a recording medium 32 on which a program retrieval display control program for a digital broadcast receiver is recorded (column 12, line 61-column 13, line 54), said digital broadcast receiver receiving a digital broadcast using program information distributed by an electronic program guide (column 11, lines 11-51), said program retrieval display control program comprising the steps of:

comparing program information stored in a program information storage with a program information retrieval condition stored in a display information storage (column 13, lines 25-54, column 16, lines 20-57, column 27, lines 1-47, figures 20-23, a user enters a theme criteria and the corresponding results are displayed), said program storage storing program information separated from said digital broadcast (DRAM, column 13, lines 34-40, line 55-column 14, line 7)t, said display information storage storing said program information retrieval condition externally input and said display information corresponding to said retrieval condition (figures 20-23, theme criteria and theme search results, column 13, lines 25-54, column 16, lines 20-57, column 27, lines 1-47);

extracting program information matching said condition (CPU 30 executes commands dictated by the OS, column 13, lines 11-24, column 27, lines 22-63, the user selects a theme and the STB 6 retrieves all the data for program listings which correspond to the theme and displays them, figure 21);

displaying a retrieval result (figure 21, sports theme results); and

displaying said program information retrieval result in accordance with display information corresponded to said program information retrieval condition (figure 20, sports theme, figure 21, corresponding sports themed programs).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,772,433 to LaJoie in view of U.S. Patent 5,583,560 to Florin et al.

Regarding claims 2 and 7, LaJoie discloses a digital receiver, which provides theme selection of program guide entries.

LaJoie fails to disclose the use of graphic information storage for storing displayable graphic information, the graphic information corresponding to a retrieval condition.

Florin discloses a program guide in figures 22 and 29, with a theme selection feature, a user may select the theme via a number of graphics (figure 29, baseball 315, football 317) which are displayed below the search results 361 (column 18, lines 57- column 19, line 12), thus providing an aesthetically pleasing way for user to recognize and select programming themes.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to utilize the graphics which correspond to retrieval conditions, as taught by Florin, for the advantage of providing an aesthetically pleasing way for user to recognize and select programming themes.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,772,433 to LaJoie in view of U.S. Patent 6,268,849 to Boyer et al.

Regarding claims 4 and 8, LaJoie discloses in figure 23, an EPG that displays a current time (4:19:23 PM) and enables browsing by time. LaJoie inherently includes a timer as a user may set VCR timers, sleep timers, wake timers and clocks as shown in figure 10 (column 20, lines 22-40).

LaJoie fails to disclose the use of a time condition storage for storing a time retrieval condition, and retrieving program information in according with a present date or time from the time and in according with a time condition.

Boyer discloses an electronic program guide (figure 9) in which programs being broadcast at the current time are displayed within the guide (column 8, line 63-column 9, line 4) a user may apply a number of time search criteria 630 (Early, morning mid-day etc, column 9, lines 28-37) in order to easily browse future programming choices, the corresponding programs at that time are then displayed.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to utilize the time criteria and current time features of Boyer,

for the advantage making it easy for a user to select a currently broadcasted program, and inform a user of upcoming program choices.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,005,565 to Legall: Integrated Search of Electronic Program Guide, Internet and Other Information Resources.


U.S. Patent 6,177,931 to Alexander: Systems and Methods for Displaying and Recording Control Interface with Television Programs, Video, Advertising Information and Program Scheduling Information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HBL